

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 14-20, 22-24 and 26-30 are pending in this application of which claims 14-18, 20, and 26-30 are withdrawn from consideration. Accordingly, claims 19 and 22-24 are subject to examination. By this Amendment, claim 19 is amended.

Claim Rejections under 35 USC §112

The Patent and Trademark Office (PTO) rejects claim 24 under 35 U.S.C. §112, second paragraph, asserting that the claim are indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. This rejection is respectfully traversed based upon the amendment to claim 19 that replaces “wastewater treatment bath” with “acid treatment bath,” as supported in the specification at page 9, lines 29-30. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections under 35 USC §102

In response to the rejection of claims 19 and 24 under 35 U.S.C. §102(b) over Massholder et al. (US 5,573,676), claim 19 is amended. Amended and unamended claims are believed to be patentable for the reasons discussed below.

As amended, independent claim 19 recites, *inter alia*, an acid treatment bath having an acid adding unit for adding acid, “provided on a downstream side of the wastewater treatment bath and on an upstream side of the ultraviolet treatment unit...” (emphasis added). This feature is support by at least Fig. 5 of the originally filed specification. Massholder does not disclose, teach or suggest this feature. Indeed, Massholder appears to specifically depict wherein ultraviolet (UV) apparatus 2 is disposed next to reaction container 1 and pH is controlled just prior to releasing the waste water from final analysis container 18 by acid provided from acid storage container 19.

Based upon the above, Applicants submit that Massholder does not disclose, teach, or suggest an acid treatment downstream of the wastewater treatment bath and upstream of the

ultraviolet treatment unit, as recited in claim 19.

A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. Accordingly, because Massholder does not disclose, teach or suggest each and every feature recited in amended claim 19, Applicants' recited feature is distinguished over Massholder and therefore the rejection of amended claim 19 under 35 U.S.C. §102(b) is improper. Applicants respectfully submit, therefore, that independent claim 19 is patentable over Massholder.

Claims 24 depends from independent claim 19 and is likewise patentable over Massholder at least for its dependence on claim 19, an allowable base claim, as well as for additional features it recites. Withdrawal of the 102 rejection over Massholder is respectfully requested.

Claim Rejections under 35 USC §102(b)/103(a)

The Patent and Trademark Office (PTO) rejects claims 22-23 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a), as obvious over Massholder.

As previously submitted, the disclosure of Massholder does not teach or suggest all of Applicants' claim 19 limitations and therefore claim 19 is patentable over Massholder. Claims 22-23 depend from amended claim 19. Therefore, regardless of whatever Massholder may disclose regarding the ratio of oxidizing agent to chemical oxygen demand (COD), Applicants respectfully submit that the rejection of claims 22-23 under either §102(b) or §103(a) over Massholder is improper. Withdrawal of the rejection over Massholder is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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